

## REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

### Amendments

Claim 34 has been amended to more particularly describe the invention. No new matter has been added.

### Rejection under 35 U.S.C. §1.102

The rejection of claims 34-36, 41-42, 49-52, and 56-58 as anticipated by Caluori (US 5609414) is respectfully traversed.

The rejection contends that Caluori describes a resilient fascia container allowing its removal by translation, citing to col. 1, ln. 15-20, and that the lamp is resiliently biased toward the front, citing to col. 3, ln. 11-21, and col. 5, ln. 13-15, in Caluori. Unfortunately, none of the citations appear to support the contentions stated in the rejection: the first citation relates to recessed “pot lights”; the second to the electrical socket and supply wire; and the third to spring clips on the side of the housing. The rejection also seems to ignore applicant’s claim language reciting that the lamp is *resiliently* biased towards the front. Directly contrary, Caluori discloses that the lamp is moved towards the front, *against an opposing bias provided by clips (40)*, by tightening the adjusting screws (70) (entirety of paragraph bridging cols. 4 and 5). Accordingly, the bias in the reference is decidedly not resilient towards the front: the spring arms (42) bias the lamp up into the ceiling and hence away from the front, and the screw is clearly not a resilient element. The present amendment confirms the orientation and bias direction of the claimed invention, and that it is different than the cited reference. Accordingly, this reference does not anticipate claim 34, and so this rejection should be withdrawn.

### Rejections under 35 U.S.C. §103

The rejections of dependent claims 37-40, 43-48, and 53-55 are all predicated on Caluori anticipating independent claim 34, from which each of these rejected

claims depends. As Caluori has been shown above not to anticipate claim 34, and actually teaches away from a resilient bias through the use of screws working against the resilient leaf springs 42 that bias the lamp in the direction opposite to that recited in the rejected claims.

The secondary references combined with Caluori are inapposite to the present invention.

Jones (US2002/0080602) is concerned with the appearance of arrays of light fixtures, reducing glare, and directing light from the fixture. The rejection cites Jones for disclosing elements such as a support, front facia having a non-circular cross-section, and a tube extending axially in front of the lamp. Accordingly, Jones does not avoid the deficiencies in Caluori, and so the rejections of claims 37-40 should be withdrawn.

Conners (*et al.*, US 5836677) is alleged to describe a front facia attached via an intermediate member to the support surround. The rejection mischaracterizes the reference, which specifically discloses that element 26 is not a retainer for front facia, but rather is an attachment means for the reflector 10 (col. 4, ln. 20-24). Further, element 18 is not an intermediate member for attachment of facia but, instead, is the upper portion of the reflector (col. 3, ln. 26-35), and so teaches nothing about the non-circular cross section of an intermediate attachment member. The rejection of claims 43-48 should be withdrawn.

Finally, Houplain (EP0233465) is alleged by the rejection to disclose resilient biasing of the lamp towards the front facia by two helical springs (citing Fig. 5 and col. 4, ln. 60-65).<sup>1</sup> If the rejection has properly characterized element 6 as a front facia (recited as a “fitting support 6” in Houplain’s claim 1 at col. 4, ln. 20-42, especially ln. 27), because the retaining spring 15 connects that element to the lamp (socket cap 13, socket 12, and light fitting 11), allowing the lamp to be moved backwards does not facilitate removal of that “facia” because the spring connects the two. Rather, as recited in Houplain’s English claim 1 (at ln. 35-41, emphasis added):

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<sup>1</sup> This reference is not entirely in the English language and the examiner has provided no information pursuant to §1.104 explaining the basis for the Office's interpretation of this reference; if the rejection is based on the English language claims of the Houplain European patent, that information should be stated in the rejection.

[the] support (9) is provided in its upper part with hooks (16) allowing the said support to be held integrally with the light fitting, and has its base formed by an outer flange (8) *which is a grasping means for withdrawing downwardly the removable assembly of the light fitting and support.*

Thus, Houplain teaches pulling downward (towards the front) the combination of the light fitting (socket and reflector) and support, and says nothing about separation of a front facia from the support. (Compare against applicant's Fig. 1, wherein front facia 76 is separable from support surround 12.) Accordingly, the rejection of claims 53-55 should now be withdrawn.

#### Conclusion

In light of the foregoing remarks, present withdrawal of all of the rejections, and further and favorable action, in the form of a Notice of Allowance, are all believed to be next in order, and such actions are earnestly solicited.